

situation in Iraq and would announce a new policy shortly after the new year, there was great hope that the President, Congress and the American people could come together with an effective new policy to help the people in Iraq and advance U.S. interests.

Unfortunately, that was not the case. President Bush has decided to ignore the advice of the Iraq Study Group, many of his own military officials and the American people in making his decision to send 20,000 additional American troops to Iraq.

The President's announcement last night represents more of the same, more "staying the course," just now with more American troops in harm's way. An escalation of U.S. troops in Iraq is counterproductive.

Former Secretary of State Collin Powell recently said:

I am not persuaded that another surge of troops into Baghdad for purposes of suppressing this communitarian violence, this civil war.

We need a surge in U.S. troops coming home, not a surge in those going to war. We need a surge in diplomatic and political efforts to end the civil war. We need a surge in the urgency of the U.S. engagement of the international community to deal with its regional politics and problems in the Middle East.

This Congress has a responsibility to our citizens to evaluate a clear record of the facts in Iraq.

The hearings taking place in the Armed Services and Foreign Relations Committees are vital. But our responsibility goes well beyond the hearings. Individually and collectively, we must act with our voices and our votes, speaking out vigorously and taking action against the continued mismanagement of this war.

The American people deserve an opportunity to hear from military experts and administration officials on the consequences of a surge in troops in Iraq. Congress has a responsibility to scrutinize this plan and offer its own recommendations.

In October 2002, in the other body of Congress, I voted against giving the President the right to use force in Iraq. I am proud of that vote. As a Senator, I have the responsibility to acknowledge where we are today and take action that is, in my view, in the best interest of Maryland and the Nation.

I want the U.S. to succeed in Iraq and in the Middle East. I want our soldiers to return home with the honor that they deserve. I want to work with my colleagues to strengthen our military and to make sure that promises made to our veterans are promises kept.

We can achieve these objectives, but they would be more achievable if the President would act on the overwhelming evidence and work with this Congress to truly set a new direction in Iraq. We must begin by starting to bring our troops home, not by escalating troop levels. We need to engage and energize the international commu-

nity, including our traditional allies as well as other countries in the Middle East. Our primary focus must be extensive political and diplomatic negotiations directed toward the twin goals of a cease-fire and a lasting and stable Iraqi Government. Let that be our mission.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

Under the previous order, the Senator from Rhode Island is recognized for 10 minutes.

A CHANGE IN IRAQ POLICY

Mr. REED. Mr. President, last evening President Bush spoke about Iraq. His speech represented perhaps a change in tone but not a fundamental change in strategy, and the American people were looking for a fundamental change in strategy. They were particularly looking for this change based upon the recommendations of the Iraq Study Group. These are distinguished Americans who have dedicated themselves to public service, bipartisan individuals who thoughtfully and carefully looked at the situation in Iraq and made a series of proposals, most of which the President apparently ignored.

The American people are deeply concerned about the course of our operations in Iraq. They are incredibly supportive, as we all must be, of the soldiers, the marines, the sailors, the airmen and airwomen who are carrying out this policy, but they are deeply concerned. One of the things that has characterized the President's approach to Iraq for so many years has been the discussion of what I would describe as false dichotomy—false choices. You can recall, in the runup to the conflict in Iraq, the President said we have two choices—invade the country, occupy it indefinitely, or do nothing. Of course, those were not all the choices.

We had the ability to interject U.N. inspectors to do the things which we thought were important, which is to identify the true status of weapons of mass destruction—and that was rejected out of hand. We had diplomatic options. We had limited military options. If, as was suggested, there were terrorists lurking in the Kurdish areas, we could have used the same approach as we used a few days ago in Somalia, a preemptive targeted strike, targeted on those whom we had identified as terrorists. All of that was rejected.

Then the President undertook a strategy which I think was deeply flawed, which has led us to a situation now where the emerging threat of Iran

is much more serious. Iran has seen its strategic position enhanced by the Bush strategy.

Of course, we know now the incompetence of the occupation of Iraq, the decisions made in Washington about deBaathification, about dismantling the Iraqi Army, about spending so many months in denial of the spreading insurgency have led us to this day. After all of that, the American people were looking for something more than a so-called surge.

I say so-called because this is not a surge. This is a gradual increase in troops—20,000 troops approximately in the Baghdad area, and additional Marine forces in Al Anbar Province. It is gradual because our Army and Marine Corps are so stretched that they could not generate an overwhelming force in a short period of time. In fact, due to the policies of this administration, we lack an adequate strategic reserve. Our Army Forces who are not deployed to Iraq are, in so many cases, unready principally because of equipment problems, to rapidly deploy. That I think is a stunning indictment of this administration.

But this gradual escalation is not, I think, going to accomplish the goal and objective that the President talked about. One of the critical aspects of this is that even though 20,000 troops will represent billions of dollars of additional expense and put a huge strain on the Army and Marine Corps, it is probably inadequate to the task of a counterinsurgency operation in a city such as Baghdad, a city of roughly 6 million people. Lieutenant General David Petraeus who has been nominated to take over the operations in Iraq, replacing General Casey, spent the last several months coauthoring a new field manual on counterinsurgency, and one point they make in this field manual is that counterinsurgency operations require a great deal of manpower.

At a minimum, the manual suggests 20 combat troops for every 1,000 inhabitants. That would mean Baghdad, with roughly a population of 6 million people, would require, according to the manual, 120,000 combat troops. The additional 20,000 troops the President is suggesting will hardly make that total of 120,000 combat forces. I know there will be Iraqi forces there, but those forces have proven to date to be less than reliable. They are motivated, not so much by a military agenda but by sectarian agendas. They are often overruled by their political masters in the Iraqi Government.

So as a result, the increase of forces is probably inadequate to accomplish the mission the President wants. That is not according to some subjective view; it is based upon the best thinking of the best minds in the Army and the Marine Corps. For that reason alone, the President, I think, has to ask himself after the speech, Why am I doing it?

The other huge cost is not just in terms of money, in terms of stress on

the regular Army and Marine Corps, but inevitably we are going to have to reach out, once again, to our National Guard, those men and women who have served so well, the citizen soldiers we call upon, again. They will receive an additional burden to bear. Again, probably not in sufficient numbers with a 20,000 deployment to achieve and guarantee success.

The other factor here, too, is it will literally take the pressure off Iraqi forces and Iraqi political leaders to do the job that they must do. The issues in Iraq, the issues of counterinsurgency are fundamentally more political than they are military. That is what we are seeing today in Iraq. It requires political will. It requires political competence to succeed. That will and confidence must be the Iraqis' primarily, not that of the United States.

What I think is happening in Iraq today is this Government is essentially a Shia government. They feel they are winning. They are accomplishing the goals they won't articulate but that seem to be obvious from the pattern of their behaviors: to marginalize the Sunnis so they never again will be in a position of dominating Iraq, consolidating Shia power in the south of Iraq, using probably the model of the Kurds in the north. If you go to Iraq, the area which is the most successful, prospering, is the Kurdish area. If you look at it and ask why, they have their own militia, they have their own virtual autonomy, they have access to oil, and they are doing quite well.

Again, that is what the Shia intend for themselves. That, of course, leaves the Sunnis in an area where they face an existential conflict. If things continue as they are today, they will be absolutely and totally marginalized in Iraqi society. The Shia, still harboring fears after years and years of domination and horrific tyranny by Sunni leaders, are unwilling to compromise.

Unless we can forge some type of reasoned compromise, it is very likely the future of Iraq is one of political fragmentation, if not formal disintegration. I think the best and perhaps the only leverage we have as a nation is to suggest to Shia leaders that we are not going to give them an open-ended commitment.

I was pleased last evening to hear for the first time the President say something my colleague CARL LEVIN has been stressing for almost 2 years now, a simple statement by the President to the effect that there is not a blank check to the Iraqi Government. I fear those perhaps are just words because in the same speech he is talking about increasing our military forces there, increasing our support to the Iraqi security forces. That is where we have our leverage. I don't think the President is quite yet willing to use that leverage. More importantly, until we do exert that leverage, the milestones the President talked about—the milestones which were announced months ago by the Iraqis and still are unfulfilled—will remain unfulfilled.

The political issues have not yet been resolved by the President. Without political cooperation and political commitment by the Iraqi Government, the number of forces we have in the country is a secondary matter. What I think the Iraqi political leaders—the Shia government and the Maliki government, with Hakim and the Badr organization and Moqtada al Sadr and Maahdi army, all part of this government—what they would be quite willing to do is to have us conduct operations in Sunni neighborhoods in Anbar Province, but what will be left undone is confronting, in a serious way, the Shia militias which are also part of the problem.

If you go to Iraq, as many of my colleagues have, as I have, and you talk to the Prime Minister or the Minister of the Interior, they recognize there is an insurgency. It is a Sunni insurgency. They would be very happy for us to conduct operations against the Sunnis. But they are very unwilling to take the steps that are necessary to provide a check on Shia militias and Shia operations in that country.

There is another long-term consequence of the President's speech which may be, in the longer term, the most important. Any strategy of the United States—increasing troops, redeploying troops, training Iraqi forces—requires as an essential element, public support of the people of the United States. The people spoke last November and in a very convincing way said they need to see a change in course in Iraq. They continue to speak—not just in the formal polls, but go out to the coffee shops, walk the streets of this country, all across this country, and you will discover the great concern and disquiet the American public has about the President's policy in Iraq.

Nothing changed last evening, fundamentally. In fact, the President actually predicted that this increase in troops is likely to create more chaos in Baghdad, more casualties. That is the nature of committing more troops to intense combat operations in an urban area. The American public will have a very difficult time squaring that with the assertion this is the way forward. I fear they might abandon support for any type of significant commitment to the region.

This is a very dangerous precedent that could be emerging today. The President, in disregarding popular opinion, is running the risk of alienating that opinion in a way in which we cannot conduct serious operations there for limited missions in Iraq and elsewhere.

We have a very difficult situation. We have a situation in which we have to begin to manage the consequences of the administration's failures. This is not a question of winning or losing. This is a situation of managing a situation that is deteriorating rapidly and, some fear, irreversibly. In doing that, we have to adopt a strategy that is consistent with our resources—our

military personnel, our diplomatic resources, our economic resources, and the political support of the American people.

That strategy rests in the context of a phased withdrawal of our forces from Iraq, a refocusing of our mission to specific areas which is more consistent with our national interests than trying to arbitrate and settle the sectarian civil war. These missions would be training Iraqi security forces so the country does not collapse because of chaos and anarchy; focusing attention on those small elements of international terrorists who are there, many of whom came after the fall of Saddam—not before; of indicating to the regional powers that we would not tolerate gross violations of the borders of Iraq or gross intervention in the political affairs of Iraq. These are missions that can and should be done, and they don't require an increase of troops. In fact, I would suggest they require a redeployment of our troops.

The real challenge is—and the President alluded to it without indicating to the American public confidently and surely that these milestones are being accomplished—that the Iraqi Government, the Maliki government, must undertake serious reconciliation. I think the temper of that Government at the moment is not to do that because they feel they do not have to.

Second, they have to begin to spend their own money. I was aware of the significant money—upwards of \$13 billion that the Iraqi Government is sitting on—they are not spending. I hope the American people were paying attention when the President announced the Iraqis are promising to spend \$10 billion for their own benefit. We have been pouring billions of dollars into Iraq for reconstruction and economic revitalization and the Iraqis have been sitting on billions of dollars when their survival and the integrity of the country is at stake. Something is wrong. They have suggested they will spend the money, but only time will tell because so far they have been extremely reluctant to spend resources unless they benefited their own sectarian community. If that continues, this will be another idle promise.

There is one issue, too, that the President did not talk about which is essential to progress in Iraq. It is not democracy and freedom—all the buzzwords—because, frankly, what democracy means in Iraq to the Shia is Shia control. What democracy means to the Sunni is Sunni control. That is one of the reasons they are having sectarian struggle.

What we need now more than democracy and freedom and elections is governmental capacity, ministries that actually can serve the people of Iraq so they feel they have a stake in their Government and the Government can respond to their basic needs. They have ministers in Iraq today who are political operatives. The Minister of Health is a devotee of Moqtada al Sadr and the

Maahdi army and will refuse to adequately supply hospitals in Sunni areas. We have repeated examples where the ministries of Iraq are not only nonfunctional but deliberately so. Until they help them, or someone helps them, there won't be a government to rally around for the Iraqi people because the Government provides nothing to them.

This is a long list of items that has to be accomplished. I am not confident, after the President's speech, that any of this will be done by the Iraqi Government, nor am I confident at all that an additional 20,000 troops in Baghdad will make a decisive military difference. I believe the President has to go back to the drawing board to craft a truly changed strategy that will be consistent with our strategic objectives in the region, consistent with our resources, and consistent with the will and desires of the American people. I hope he does that.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, at this time I yield back any remaining morning business time.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

LEGISLATIVE TRANSPARENCY AND ACCOUNTABILITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 1) to provide greater transparency in the legislative process.

Pending:

Reid amendment No. 3, in the nature of a substitute.

Reid amendment No. 4 (to amendment No. 3), to strengthen the gift and travel bans.

DeMint amendment No. 11 (to amendment No. 3), to strengthen the earmark reform.

DeMint amendment No. 12 (to amendment No. 3), to clarify that earmarks added to a conference report that are not considered by the Senate or the House of Representatives are out of scope.

DeMint amendment No. 13 (to amendment No. 3), to prevent government shutdowns.

DeMint amendment No. 14 (to amendment No. 3), to protect individuals from having their money involuntarily collected and used for lobbying by a labor organization.

Vitter/Inhofe amendment No. 9 (to amendment No. 3), to place certain restrictions on the ability of the spouses of Members of Congress to lobby Congress.

Vitter amendment No. 10 (to amendment No. 3), to increase the penalty for failure to comply with lobbying disclosure requirements.

Leahy/Pryor amendment No. 2 (to amendment No. 3), to give investigators and prosecutors the tools they need to combat public corruption.

Gregg amendment No. 17 (to amendment No. 3), to establish a legislative line item veto.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 11

Mr. DURBIN. Mr. President, I come to the Chamber to discuss DeMint amendment No. 11 which relates to earmark reform.

First, let me say that I welcome the Senator's efforts to strengthen this bill. We certainly all have a mutual interest in making this process more transparent. Senator DEMINT, in his amendment language, adopts the language passed by the House in several important ways. As we move through the process, we are going to work together to ensure that the earmark provisions are carefully crafted and as strong as possible.

Unfortunately, overall the DeMint language is not ready for this bill. The DeMint amendment defines earmarks to include amounts provided to any entity, including both non-Federal and Federal entities. The Reid-McConnell definition which is before the Senate covers only non-Federal entities. On its face, the DeMint language may sound reasonable. After all, I have no problem announcing to the world when I have secured funding for the Rock Island Arsenal in my State. But the DeMint language is actually unworkable because it is so broad.

What does the Appropriations Committee do? It allocates funds among programs and activities. Every appropriations bill is a long list of funding priorities. In the DeMint amendment, every single appropriation in the bill—and there may be thousands in any given appropriations bill—would be subject to this new disclosure requirement, even though in most cases the money is not being earmarked for any individual entity. How did we reach this point in the debate?

There is a concern expressed by some that there is an abuse of the earmark process. When you read the stories of some people who have been indicted, convicted, imprisoned because of earmarks, it is understandable. There was a corruption of the process. But as a member of the Senate Appropriations Committee, I tell my colleagues that by and large there is a race to the press release. Once you put an earmark in to benefit someone in a bill, you are quick to announce it—at least I am because I have gone through a long process evaluating these requests and come up with what I think are high priorities. So there is transparency and there is disclosure.

The purpose of our debate here is to consider reasonable changes in the rules to expand that disclosure. Sen-

ator DEMINT is talking about something that goes way beyond the debate that led to this particular bill. We are not talking in his amendment about money that goes to non-Federal entities—private companies, for example—or States or local units of government. Senator DEMINT now tells us that we have to go through an elaborate process when we decide, say, within the Department of Defense bill that money in an account is going to a specific Federal agency or installation. That is an expansion which goes way beyond any abuse which has been reported that I know of. Frankly, it would make this a very burdensome responsibility.

If I asked the chairman, for example, to devote more funds to the Food and Drug Administration to improve food safety—think of that, food safety, which is one of their responsibilities—that is automatically an earmark under the new DeMint amendment, subject to broad reporting requirements. No one can be shocked by the suggestion that the Food and Drug Administration is responsible for food safety. They share that responsibility, but it is one of theirs under the law. So if I am going to put more money into food safety, why is that being treated as an earmark which has to go through an elaborate process? I think that begs the question. Every request, every program, money for No Child Left Behind, for medical research at the National Cancer Institute, for salaries for soldiers, for combat pay for those serving in Iraq, for veterans health programs, every one of them is now considered at least suspect, if not an odious earmark, under the DeMint amendment. It is not workable. It goes too far.

In other instances, the DeMint amendment does not go far enough. To pass this amendment at this time could, down the road, harm the Senate's efforts to achieve real earmark reform.

Many of us on the Appropriations Committee happen to believe that the provisions in tax bills, changes in the Tax Code, can be just as beneficial to an individual or an individual company as any single earmark in an appropriations bill. If we are going to have transparency in earmark appropriations, I believe—and I hope my colleagues share the belief—that should also apply to tax favors, changes in the Tax Code to benefit an individual company or a handful of companies. The DeMint amendment does not go far enough in terms of covering these targeted tax benefits. The language already in the Reid-McConnell bipartisan bill strengthens the earmark provisions passed by the Senate last year by also covering targeted tax and trade benefits. The Reid-McConnell language on targeted tax benefits is superior to the DeMint amendment. The DeMint amendment, in fact, weakens this whole aspect of targeted tax credits and their disclosure.

Reid-McConnell covers “any revenue provision that has practical effect of